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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

11 ANA BIOCINI, ) No. C 08-0885 SI  
12 Petitioner, )  
13 v. )  
14 MICHAEL MUKASEY, in his official ) STIPULATION TO DISMISS; PROPOSED  
15 capacity as Attorney General of the United ) ORDER  
16 States; et al., )  
17 Respondents. )  
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STIPULATION  
No. C 08-0885 SI

On February 8, 2008, Petitioner filed the above captioned habeas petition. The Department of Homeland Security, Immigration and Customs Enforcement (“ICE”), has released Petitioner from custody, subject to the terms and conditions of the Intensive Supervision Appearance Program (“ISAP”). Accordingly, Petitioner has received the relief she sought, and the parties hereby stipulate to dismissal of the above entitled action as moot, without prejudice. Further, the parties stipulate that Petitioner’s claim under Count Three of the Complaint and Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief, claiming a violation under the Due Process Clause of the Fifth Amendment under the state created danger doctrine, be dismissed without prejudice.

The parties shall bear their own costs and fees.

Date: April 21, 2008

Respectfully submitted,

**JOSEPH P. RUSSONIELLO**  
**United States Attorney**

/s/  
MELANIE L. PROCTOR<sup>1</sup>  
Assistant United States Attorney  
Attorneys for Respondents

Dated: April 21, 2008

/s/  
HOLLY S. COOPER  
U.C. Davis Immigration Law Clinic  
Attorney for Petitioner

## [PROPOSED] ORDER

Pursuant to stipulation, IT IS SO ORDERED. All pending deadlines are hereby TERMINATED. The Clerk shall close the file.

Dated:

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**SUSAN ILLSTON**  
United States District Judge

<sup>1</sup> I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/s/) within this efiled document.